

and his counsel express their appreciation for the time and courtesies extended at that interview by the Examiners and the clarification that was brought to the issues in this application. The interview is recorded on the interview Summary provided by the Examiners at the conclusion of the interview. Further comments are provided in the Supplemental Interview Summary filed concurrently with this Response and the remarks contained herein.

For the reasons set forth herein applicant respectfully submits that this application is in condition for allowance, and such action is respectfully requested.

I. INDEX

Amendments to the Specification: None.

Amendments to the Claims: None.

Amendments to the Drawings: None.

Remarks/Arguments begin on page 4 of this Response.

II. AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

12. (Previously Presented) A protective sheath for use with an elongate ultrasonic probe of an ultrasonic fragmenting device, said device having a housing and an ultrasonic horn within and attached to said housing, wherein the elongate ultrasonic probe is configured for

attachment to the ultrasonic horn, has an outer surface about and along its length, has vibratory nodes spaced along its length, and has a flange that circumscribes the elongate ultrasonic probe at or near the most distal vibratory node of the probe, said protective sheath comprising:

a continuous hollow sleeve having a proximal end and a distal end, said sleeve being configured to surround the elongate ultrasonic probe and extend therealong when said sleeve and probe are aligned;

a connection on the proximal end of the hollow sleeve to connect the hollow sleeve to the housing;

an inner surface of the hollow sleeve formed, shaped, and sized to prevent contact with the outer surface of the elongate ultrasonic probe along its length so that there is generally a clearance between the inner surface and the outer surface when said sleeve and probe are aligned; and

said inner surface having an inside diameter adjacent the flange, when the sheath is aligned with the probe, that is generally and substantially the same as the outside of the flange thereby forming generally a barrier to the passage of material into the clearance.

13. (Previously Presented) The protective sheath of claim 12 wherein the hollow sleeve is generally metallic.

14. (Previously Presented) The protective sheath of claim 12 wherein the hollow